

Court of Appeals, State of Michigan

ORDER

Ronald DiCicco v City of Grosse Pointe Woods

Docket No. 283007

LC No. 03-310396-CZ

Kirsten Frank Kelly
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the December 19, 2007, order of the Wayne Circuit Court denying summary disposition to defendant hereby is REVERSED. This Court previously ruled that defendant was entitled to summary disposition regarding plaintiffs' taking claim and the circuit court thus was bound by the law of the case on this point, *Grace v Grace*, 253 Mich App 357, 362; 655 NW2d 595 (2002). To the extent that plaintiffs now attempt to argue that a de facto taking occurred, this Court rejects that argument, see *Hinojosa v Dep't of Natural Resources*, 263 Mich App 537, 556-557; 688 NW2d 550 (2004). Plaintiffs likewise have not met their burden to show that the ordinance, as applied, interfered with their substantive due process rights, *Landon Holdings, Inc v Grattan Twp*, 257 Mich App 154, 173; 667 NW2d 93 (2003). The case is REMANDED for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 09 2008

Date

Sandra Schultz Mengel
Chief Clerk